

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application:
Rajeev Joshi et al.

Serial No.: 10/731,453

Filed: December 9, 2003

For: WAFER-LEVEL CHIP SCALE PACKAGE AND
METHOD FOR FABRICATING AND USING THE
SAME

Confirmation No. 4432

Group Art Unit: 2891

Examiner: Zarnecke, David A.

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR WITHDRAWAL OF FINALITY

In response to the final Office Action dated December 8, 2006, Applicant respectfully requests withdrawal of the finality of that Office Action in light of the following remarks. This petition is being concurrently filed with an Amendment and Request for Reconsideration that responds to the Office Action.

REMARKS

The Examiner categorizes the Office Action of December 8, 2006, as a “final” Office Action. The previous non-final Office Action on the merits was mailed on June 12, 2006.

In the “final” Office Action, the Examiner newly rejected the claims over Shibata (U.S. Patent No. 6,461,890). The Examiner admitted that new grounds of rejection were presented, but stated that “Applicant’s amendment necessitated the new ground(s) of rejection” and, therefore, the Office Action was being made final. *See Office Action of December 8, 2007, at p.16.* But under the Office’s guidelines, any subsequent action on the merits should not be made final

...unless the new ground or rejection was necessitated by an amendment to the claims or as a result of information submitted in an information disclosure statement...

See M.P.E.P. § 706.07(a) (emphasis added). In the paper Applicant filed on September 6, 2006, the claims were not amended. The specification was amended to correct an obvious error. But the claims were not amended. And since the claims were not amended, the new grounds of rejected presented in the Office Action preclude that Office Action of December 8, 2006, from being categorized as final.

Accordingly, Applicant respectfully requests the finality of the Office Action of December 8, 2006 be withdrawn.

If the any fee due in connection with the filing of this Petition, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ken Horton", written over a horizontal line.

Kenneth E. Horton
Reg. No. 39,481

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84145
(801) 328-3600

March 14, 2007